

# ***City Council Meeting Minutes***

**June 4, 2019  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

**Staff Present:**    ***Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Kevin Watson, Finance Director  
Nathan Mosely, Parks, Recreation, & Open Space Director  
Aaron DeJong, Economic Development Director  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning & Building Safety Director  
Dave Hayes, Police Chief  
Emily Hogan, Asst. City Manager for Special Projects  
Meredyth Muth, City Clerk***

**Others Present:**   ***Kathleen Kelly, City Attorney  
Colette Cribari, Prosecuting Attorney  
Kristan Wheeler, Municipal Judge***

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo. All in favor.

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## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

## **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda; seconded by Councilmember Keany. All in favor.

- A. Approval of Bills**
- B. Approval of Minutes: May 14, 2019 & May 21, 2019**
- C. Approval of City Council Special Meeting on July 16, 2019 at 5 PM**
- D. Award Bid for 2019 Sanitary Sewer Main Replacement**
- E. Approval of Resolution No. 18, Series 2019 – A Resolution Setting Certain Fees, Rates, and Charges for the City of Louisville, Colorado**

## **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Muckle thanked everyone for the Taste of Louisville and noted Art Walk will be Friday. The Street Faire starts June 14.

Councilmember Loo thanked everyone for the Drive-In Movie on McCaslin on Saturday.

## **CITY MANAGER'S REPORT**

City Manager Balser stated there were over 1000 cars at the drive-in movie and she thanked staff for manning the open house. She noted the Library will be holding events for Art Walk this week as well.

## **REGULAR BUSINESS**

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### **DISCUSSION/DIRECTION – BNSF/STEEL RANCH RAILROAD UNDERPASS UPDATE** ***continued from 5/28/19***

Mayor Muckle clarified for those listening that this discussion is not about the Highway 42 underpass; that project is about to break ground. This is a discussion of the underpass at Bullhead Gulch under the BNSF rail line.

Director Kowar stated this project has been under way for many years and there is funding from the City, Urban Drainage, and the Takoda Metro District. Originally it was thought to cost about \$750,000. The current 100% design includes new drainage requirements from BNSF to meet a 100-year flood event and current construction pricing.

The estimate is now at \$4M. There are some soft costs that may be less than expected but nothing is final. Council will need to determine how this new cost estimate affects the budget.

#### Public Comments

Elizabeth Henna, 889 Treece Street, stated this is incredibly frustrating. They purchased their home in part because of the underpass promised by the builder and was told this would happen in 2014. She thinks it is important to complete this underpass and have access to the trails. The delays are frustrating and it feels we are at the mercy of BNSF.

Christoph Scholtes, 2272 Wynonna Court, stated he is also frustrated that nothing has happened since 2014. He asked why the design costs have gone up so much. He stated in 2014 he was encouraged to be patient and now it seems other things have been prioritized ahead of this. There is no way to connect to the trail system without this. He asked if there anything we can do as citizens to work with BNSF.

Councilmember Keany stated he too is frustrated at the process. Unfortunately the railroad ranks much higher than the City in this process. We have continued to work on this but we are at the mercy of the railroad. It has been the same working with BNSF on South Street underpass and the quiet zones. He clarified that none of the Takoda Metro District taxes go to the City; those taxes pay for the debt of the developer. Steel Ranch residents pay the same City tax rate as any other resident. The \$250K donation from the developer was from when the design was thought to be \$500K. The cost has gotten to the point where it is hard to prioritize this over other things. Council will look for additional funding sources, and Council is frustrated by this as well.

Councilmember Leh agreed with Councilmember Keany. He stated this is a project we all thought would be done by now. He noted all of the projects we have that involve the railroad have had these issues. The new requirement to meet a 100-year flood event drove up the cost significantly. He stated we want to make it work but this is a lot of money from our budget.

Councilmember Maloney stated the reality is an additional \$2.3M is needed. The underpass is an important connector, but we have to weigh it with all of the other costs we have. There is plenty we want to do but there is also what we need to do. We need to understand the full budget for 2020 before making any final decisions and we will have to weigh it against areas where we have very high traffic and health and safety issues.

Councilmember Stolzmann stated it would be nice if we can just say this is the highest priority but we don't have the funds identified. She would have liked to have gotten this infrastructure put in from the developer. She suggested the City Council package a list of all of the amenities residents want and ask the voters for additional funds. She reiterated it is not that Council is not acting on this; rather we just can't afford it currently.

Mayor Pro Tem Lipton stated the original budget may have been unrealistic. As a part of the 2020 budget conversation we need to discuss how we estimate costs for projects given the complexity of the projects and the economy. We need to set the expectations better about what we can afford.

Councilmember Loo asked if it is realistic to think we can find more funding partners. City Manager Balser stated there may be other sources but it is a question about how competitive this project might be. Director Kowar stated while finishing the design staff can continue to ask for variances from BNSF and look for grant funding.

Councilmember Loo stated the railroad has been around a long time and is powerful, if any of the neighbors can find someone to talk to at BNSF it might help. We have been diligently working with the railroad but it is just difficult. She stated Council should look at all of the requests in the Transportation Master Plan and come up with a list of essential projects that we can actually afford while still providing all other services.

Mayor Pro Tem Lipton asked what other alternatives might be available other than an underpass. Director Kowar stated there might be better ways to go under 42 and have an east-west route but it would not be very direct. We could look at surface-grade crossings as an outside possibility.

Mayor Pro Tem Lipton stated delaying this will only add to the cost and that might not serve us. We would have to defer other projects to do this but it might be more cost effective to do it sooner.

Councilmember Stolzmann stated it is worth continuing getting approvals from BNSF and using that time to see if there are additional funds.

Mayor Muckle strongly supports continuing the process to get approvals and do what we can to reduce the costs. He agrees waiting will not make it easier in the future.

The consensus was to bring back this item back for discussion during the 2020 budget process.

**DISCUSSION/DIRECTION/ACTION – BID FOR POWERLINE PEDESTRIAN HYBRID BEACON PROJECT AND CONTRACT AMENDMENT BETWEEN THE CITY OF LOUISVILLE AND SUSTAINABLE TRAFFIC SOLUTIONS FOR THE POWERLINE PEDESTRIAN HYBRID BEACON PROJECT *continued from 5/21/19 & 5/28/19***

Mayor Muckle introduced the item. Director Kowar stated this is consideration of a beacon light (HAWK Signal) to connect the Coal Creek Trail and the Powerline Trail at Dillon Road. The Trail Connections fund was to cover both this project and work on Coyote Run trail at Washington Avenue. The bid for the beacon came in roughly \$200K over the budget for the two projects. Staff would need a budget amendment to proceed.

Director Kowar reviewed the options:

1. Approve the HAWK Crossing at Powerline Trail and Dillon Road as proposed. This request would be followed with a budget amendment in the amount of \$197,340.49 to cover the increase in costs and still allow staff to move forward with other planned trail connection improvements at the Coyote Run Open Space.
2. Approve HAWK crossing with available funds but provide direction to staff to remove budget amendment of \$197,340.49 and postpone Coyote Run Open Space trail connection improvements.
3. Deny HAWK Crossing and direct staff to use available funds for the Coyote Run Open Space trail connection improvements.
4. Deny HAWK Crossing and direct staff to suspend trail connection upgrades until the completion of the Transportation Master Plan.

He added this project has been bid and is ready to go if approved.

Councilmember Stolzmann asked if the sidewalk on Washington for Coyote Run can be done this year and within budget. Director Mosley stated it is ready but staff needs to wait for the bank stabilization in the area to be completed.

Public Comments – None.

Mayor Muckle stated he supports the budget amendment to get them both done this year.

Councilmember Maloney stated the costs have gone up significantly and we know our sales tax is declining. He stated he is reticent to approve this without the full budget discussion when we know what our long term perspective is.

Councilmember Loo stated like the underpass, this is another amenity for which we might have to seek voter approval for new funding.

Councilmember Stolzmann stated perhaps we can space out the two projects and do Coyote Run next year and use 2020 funds for that. The Transportation Master Plan (TMP) recommends underpasses on Dillon to allow for better traffic flow and that might affect the decision.

Councilmember Loo asked if OSAB supports these projects. Director Mosley stated both projects are part of the trails master plan and are requested by residents. He added there is an underpass nearby to this crossing so we may not need another one here.

Councilmember Loo would like some prioritization on all of these projects; it's hard to choose without empirical data on these intersections. She would like more information on what is really essential.

Councilmember Keany stated the public may not rate the Dillon crossing that high against other projects. He suggested completing Coyote Run now given the amount of use it gets. He is not sure a HAWK signal is the best fix at that location.

Mayor Muckle stated he does not want to abandon this project. He agrees the sidewalk is needed at Washington for that trail connection as well. He would like to spend this year's trail connection money this year.

Councilmember Maloney moved to approve the third option to not do the HAWK at this time and put the money to Coyote Run for use this year. Mayor Muckle seconded.

**Vote:** Motion passed 6-1 Councilmember Loo voting no.

The HAWK project will continue to be discussed as a part of the 2020 budget process.

Council agreed to move the budget resolution further down the agenda to accommodate those in the audience for other items.

**ORDINANCE NO. 1773, SERIES 2019 – AN ORDINANCE AUTHORIZING THE  
PAYMENT OF CITY MONEYS FOR THE CITY'S ACQUISITION OF PROPERTY  
LEGALLY DESCRIBED AS OUTLOT A, DAVIDSON HIGHLINE SUBDIVISION  
REPLAT 2 – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 5/26/19)**

City Attorney Kelly introduced the item by title and Mayor Muckle opened the public hearing. Director Kowar stated this purchase is for a small amount of property to allow the City to complete the Hwy 42 underpass at 95<sup>th</sup> Street.

Public Comments – None.

Councilmember Stolzmann moved to strike section three from the ordinance. She noted open space funds are being used for this project and this section states this property will be not be considered open space. Muckle seconded the motion for discussion.

City Attorney Kelly stated the purpose for section three is so the property is not subject to limitations applicable to open space property. She stated she was not aware of the funding sources when drafting the ordinance; knowing that, it is not inappropriate to remove section three.

Mayor Muckle asked if it would be worth using General Fund money for this rather than open space money or just strike the section. Director Kowar stated the piece of property will no longer be usable once the underpass is built so the limitations on the uses won't affect it.

Public Comments – None

Mayor Muckle closed the public hearing.

Councilmember Stolzmann moved to approve the ordinance with removing section 3. Muckle seconded.

**Vote:** Motion carried by unanimous roll call vote



**ORDINANCE NO. 1774, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 1.28 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING INCARCERATION OF MUNICIPAL OFFENDERS – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 5/26/19)**

City Attorney Kelly introduced the item by title and Mayor Muckle opened the public hearing.

Clerk Muth stated the ordinance includes one provision amending the maximum jail sentence from 365 days to 364 days for violations of ordinances currently prohibited by the Code. This Chapter is being amended as required under newly enacted Colorado statute which sets the limits on fines and/or sentences to incarceration. Muth stated Prosecuting Attorney Colette Cribari and Municipal Judge Kristan Wheeler were both in attendance to answer questions about how this is used in the municipal court.

Prosecutor Cribari stated it is important to have an option for some jail time in the Municipal Code. She stated many of the cases can be written into either the Municipal Code or the County court. The penalties in the Municipal Court are much lower than the County court to begin with. The Municipal Court is a much better place for a case in which you might have a first time offender or a younger offender, for example shop lifting, for whom this is really a wakeup call and he will not do it again. The records of a Municipal Court offender can be sealed after three years if they have no other offenses while a County court charge will create a permanent record.

Cribari stated if there is no jail time option it takes the teeth out of the requirement to complete a sentence. For example an offender sometimes does not complete a required class, community service, or therapy and that would be when a prosecutor could tell him jail is the alternative punishment. It almost never is used, but it gets offenders to complete their sentences. And, without an option of jail time the police may be more likely to write some tickets to County court where the penalty is higher.

She added the Municipal Court is where we can use the kid gloves and have a greater personal impact on offenders; many cases should be heard here not in County court.

Judge Wheeler stated she agreed with much of the sentiment of Prosecutor Cribari. She noted the intent of the State law was because the immigration penalty was greater if the penalty was more than one year. She stated that as a judge this is not her decision, however having that jail option is useful. Often offenders are very reluctant to complete a

sentence without that hanging over their head. She noted some communities have decriminalized most everything and it can be a problem as there is no incentive for someone to complete a sentence.

Judge Wheeler suggested either keeping the 364 day or perhaps consider 180 days. The benefit of a charge in Municipal Court is that we are for low level, first-time offenders and we have the unique opportunity to divert people from the criminal justice system and keep them from repeating offenses. Having this tool is useful; we cannot serve in this role without having some consequences we can impose.

Judge Wheeler noted the court is not in the business of trying to scare people into completing their sentences, that is not the goal. However, this is a valuable incentive to get people to follow through. It is a way to send the message that this is a big deal and people need to address this.

Councilmember Stolzmann stated she has read of situations where judges take a different approach and impose severe sentences in municipal courts. She noted this does not happen in our court, but it has happened elsewhere. Our ordinances should be written so we get the best result regardless of who our judge and prosecutor are.

Wheeler stated there have been some bad apples, but the municipal judges' organization gets it and works hard to be fair in their sentencing and to bring up the level of judging if it is found issues are happening. Many of the new laws meant to address this have really impeded our ability to do justice.

Councilmember Loo stated what we have so far has worked well for us and if we have bad actors in these positions we have the ability to get rid of them and will do so.

Public Comments – None

Public Comments Again – None

Councilmember Loo moved to approve the ordinance as proposed, Councilmember Leh seconded the motion.

Councilmember Stolzmann offered a substitute motion to approve the ordinance with a change in section one to read 89 days rather than 364 days. The motion died for lack of a second.

Councilmember Leh stated it is important to bear in mind that we have serious offences that need to be addressed. It is not likely jail time will be imposed but it is important to have it. The discretion given the judge to impose penalties is important. It is on us to hire the right people for the job and to get rid of them if needed. He appreciates what Ms. Cribari said about the role of our court to address issues and help people to not have a record when it is over.



Councilmember Stolzmann stated she would prefer a lower number of days. It is important as legislatures to know our ordinances are working as we want them to. She was concerned that writing serious crimes into Municipal Court may allow someone like a domestic abuser to have no record for a very serious crime. She would rather have considered a lower number.

Mayor Pro Tem Lipton stated he is concerned about the excessive number of days possible in jail and would like to consider 180 days to align with Superior. That still gives the Court the necessary tools make it work.

Mayor Pro Tem Lipton made a substitute motion to approve the ordinance with a change to 180 days; Councilmember Stolzmann seconded the motion.

Prosecutor Cribari stated that she is the prosecutor in Superior as well and generally because they only have the ability to sentence to 180 days the Sherriff's office does not send lower level offenses such as assaults to the Superior Court. This means Superior residents don't have the option of using the Municipal Court the way we do in Louisville. As to domestic violence cases the Louisville Court does not handle those, they are always written into County court because we do not have a probation department and domestic violence cases require probation follow up and treatment we cannot provide.

Mayor Muckle stated he thinks the 364 days is appropriate so we can write cases to our Court appropriately. He generally supports writing cases to our court to handle them locally, match the sentence to the crime, and use alternative sentencing.

Councilmember Stolzmann asked what would qualify as a "low level assault." Prosecutor Cribari stated it if often older men who might be first time offenders who might be having financial or emotional issues. People who need therapy or other help who you might not want to have a permanent record and will not repeat the behavior. She added the Council can decriminalize some offences such as a barking dog so jail time is not an option for those types of offense.

**Vote on substitute motion:** Motion failed 3-4 with no votes from Mayor Muckle, Councilmember Loo, Councilmember Maloney, and Councilmember Leh.

**Vote on original motion:** Motion carried by unanimous roll call vote.

**RESOLUTION NO. 19, SERIES 2019 – A RESOLUTION AMENDING THE 2019 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CEMETERY FUND, HISTORIC PRESERVATION FUND, RECREATION FUND, CAPITAL PROJECTS FUND, IMPACT FEE FUND, RECREATION CENTER CONSTRUCTION FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, GOLF COURSE FUND, AND FLEET MANAGEMENT FUND FOR CARRY FORWARD OF**

**APPROPRIATIONS AND ADDITIONAL APPROPRIATIONS WITHIN SUCH FUNDS  
AND ADJUSTING BUDGETED REVENUE IN THE GENERAL FUND, OPEN SPACE &  
PARKS FUND, HISTORIC PRESERVATION FUND, RECREATION FUND, CAPITAL  
PROJECTS FUND, AND RECREATION CENTER CONSTRUCTION FUND – PUBLIC  
HEARING (advertised *Daily Camera* 5/31/19)**

Mayor Muckle introduced the resolution by title and opened the public hearing.

Director Watson stated this amends the budget for 5 general reasons: 1) carry forward unused appropriations from 2018; 2) adjust appropriations for items not anticipated; 3) reallocate replacement contributions to the Technology Management Fund; 4) adjust appropriations for wages and benefits; and 5) to adjust the revenue budget for delayed project revenue.

He reviewed the fiscal impact of the amendment noting all funds are projected to retain adequate levels of reserves through 2019. When the 2019 budget was adopted in November 2018, we were projecting an ending General Fund balance of \$5.3 million. Including a 3.5% turnback, we are now estimating an ending General Fund balance of \$8.0 million. He added that an error was made on the golf course fund line; there is now a positive adjustment and it now shows there is a reasonable balance in the fund.

Director Watson stated the Finance Committee has reviewed this information.

Councilmember Loo asked why the downtown paver project had a large carryover. Director Kowar stated staff has not been able to get bids for the project; either contractors were not qualified or did not have enough employees.

Public Comments – None

Councilmember Keany noted there are a number of items for which the line item was reduced in the original budget process but later it was amended to increase it again. That process seems concerning. City Manager Balser stated staff makes its best guess on costs but we now believe we need the additional funds as compared to a year ago.

Councilmember Stolzmann noted the transfer to the Rec Center construction fund of \$247K is coming from impact fees. She would have preferred we used that to cover the cost over runs last year. She would like a policy that impact fee money is the first that is used when it is appropriate. Try to adhere to spending impact fee funds first given they are restricted and must be used in a specific time frame.

Mayor Pro Tem Lipton is concerned about the continued assumption of sales tax at 2%; Council should consider lowering that given current revenue information.

Councilmember Maloney agreed with Councilmember Stolzmann regarding the impact fees. He feels the sales tax is weakening and we need to adjust it appropriately and will need to discuss this at the budget retreat.

Public Comments – None

Mayor Muckle closed the public hearing.

Director Watson stated staff will need to remove the amendment for trail connections based on the discussion earlier this evening.

Councilmember Maloney moved to approve the resolution but amending the trail connections line to remove the HAWK signal amendment; Councilmember Loo seconded.

**Vote:** Motion carried by unanimous roll call vote.

#### **DISCUSSION/DIRECTION/ACTION – REVITALIZATION COMMISSION CRITERIA FOR CONSIDERING DIRECT FINANCIAL ASSISTANCE APPLICATIONS**

Mayor Muckle introduced the item. Director DeJong stated Council discussed this policy briefly on May 14 and the version tonight contains input from the Revitalization Commission (LRC) and Councilmembers. Some of the changes are: three of the project objectives have been removed, some of the criteria have been updated, the language on the TIF consideration amounts were updated, and the language about defining public benefits was changed.

Director DeJong stated the goal is to have both Council and the LRC using the same criteria document when evaluating applications.

Councilmember Maloney asked about the statement relating to negative effects on the Historic Preservation goals. Mayor Muckle stated he added it to note it is important to state we don't want this to adversely affect historic preservation efforts. Councilmember Maloney stated this could be more inclusive to note it does not affect any of our other goals. Mayor Muckle stated this is really for Main Street where the two programs overlap.

Councilmember Leh agreed with Councilmember Maloney, we shouldn't be cherry picking certain goals and objectives. Some TIF discussions will come up against any number of our goals and that should be a point of discussion. We don't want to see one program have more influence over others.

Mayor Muckle stated our voters have voted 2-1 that historic preservation is a goal and that should be clear to anyone developing downtown. This is critical. He stated it only applies to the downtown commercial core.

Councilmember Maloney stated he is not sure the statement it is needed.

## Public Comments

David Sinkey, Boulder Creek Homes 712 Main Street, noted his company has a pending application for TIF, but this is more general. He stated the LRC has some great tools to incentivize and create change in the City and it should be as clear as possible for anyone considering applying. He would like the language to be simplified and easier to bring something forward and have a debate. The language under the “Potential TIF Consideration” is confounding. He stated both the Council and the LRC have the option to make changes to any deal.

Councilmember Maloney asked why include under “Potential TIF consideration” encourage transferring a building to a tenant. Director DeJong stated this is intended to help when a tenant wants to own a building. Owners tend to stay in the community so we want to encourage that.

Councilmember Stolzmann stated for governments to give financial assistance to corporations we should have economic indicators and other information to understand the health of the community and then determine what the healthy target growth rates are that we want to see and if we need to stimulate anything beyond that. We need to understand the impact we are having on the community and if that is fair to other business owners. Those economic indicators would be invaluable to let us know if the stimulus is warranted.

Councilmember Stolzmann stated financial stimulus is not the only way to eliminate blight. She believes if economic indicators such as sales and property tax and our financial reports show it is not reasonable we should not provide corporate subsidies given the market. She is concerned with the document holistically; should we be providing these subsidies, how will it affect rent rates, property values, and historic preservation. We need to identify when we would use this funding. We need to further define the problem we are trying to resolve and need to consider the long term impact. We need to think about the long term impacts of these changes. She stated this is not a prudent direction to go.

Councilmember Loo asked about the criteria and if a project has to meet all of them. Director DeJong stated that is up to Council. Councilmember Loo suggested a project wouldn't have to meet all criteria. She would add a line criteria about rehabilitating potentially historic structures or buildings located within the downtown.

Councilmember Loo stated the section noting it can't affect all other City plans also sends a message that we are interested in historic preservation while still allowing flexibility. Mayor Muckle agreed.

Councilmember Leh asked if the objectives section should define or replace “several” to be clear; perhaps state “at least two and preferably more.”

Mayor Pro Tem Lipton stated this policy should provide some basis for future councils to make good and consistent decisions. He went through a number of suggested wording changes for the document.

Councilmember Stolzmann stated the discussion should be more of when to use this rather than what the criteria are. She suggested the number of years in the subsidy should tie to the end date of the URA in 2033. Mayor Muckle and Councilmember Loo agreed.

Councilmember Loo stated there should be enough flexibility in the document to react to a good application. She agreed with Councilmember Leh that the objectives should read “two or more.”

Councilmember Stolzmann stated the criteria #3 about needing the funding to complete the project should be removed or better defined as it is too broad as written.

There was consensus on keeping the 50% five year and 90% 10 year language with incorporating the end date and on the requirement and that the project must meet at least two objectives.

Councilmember Maloney suggested including flexibility by adding some language to “address each of these, if applicable.” Councilmember Leh would like to add something that tells an applicant how many of the objections they must meet and they don’t have to meet all of them. This gives Council flexibility and gives the applicant some idea of what they need to do.

Councilmember Loo likes language giving specific information such as “two or more” must be met; it is more clear than “if applicable.” Mayor Muckle agreed.

Members agreed to use the language “must meet three or more objectives.”

There was no consensus at this time regarding changes to the historic preservation language.

Staff will bring a new draft back to the June 11 meeting.

**DISCUSSION/DIRECTION/ACTION – APPOINTMENTS TO REVITALIZATION  
COMMISSION FOR A CURRENT VACANCY AND A POSITION TO BE VACANT AS  
OF JULY 1**

Muth stated that at the May 21 City Council meeting, the Council decided to move forward with filling vacancies on the Revitalization Commission (LRC). The LRC currently has one vacancy from May and a second seat will be open as of July 1 . If Council would like to consider the applicants who interviewed in February, there are five applicants who interviewed who were not appointed to the LRC or another board at that time.

Councilmember Stolzmann asked if Mayor Muckle planned to recuse himself from the discussion as was not at the interviews. Mayor Muckle stated he would do whatever his fellow councilmembers prefer. No members asked him to recuse himself.

Mayor Pro Tem Lipton stated there was consensus in February that Rich Bradfield was the next best candidate. He is comfortable appointing to one vacancy now and waiting until the end of the year on the second appointment.

Public Comments – None.

Councilmember Leh stated both positions should be filled now so we have a full complement of members on the LRC.

Mayor Pro Tem Lipton would like an expanded pool of applicants to choose from for the final position; anyone appointed now will have to reapply in December for a full term.

Councilmember Loo stated she recalled there were three qualified candidates who rose to the top and she would like to fill both vacancies. As they have to reapply at the end of the year, Council can choose to not reappoint anyone if it is not going well.

Councilmember Loo moved to appoint Rich Bradfield for the current vacancy and Debra Baskett to the July 1 vacancy.

Councilmember Maloney supports only appointing one member now.

Mayor Muckle seconded Councilmember Loo's motion.

Councilmember Keany supports appointing two members tonight. It would give us a full complement of members for the remainder of the year. He supports Councilmember Loo's motion stating both have experience that would benefit the board.

Councilmember Stolzmann stated she recalls a clear front runner but not two good applicants. She supports Mayor Pro Tem Lipton's suggestion of only appointing one person now.

Councilmember Stolzmann made a substitute motion to appoint Rich Bradfield now and leave the July 1 position vacant; Mayor Pro Tem Lipton seconded the motion.

Mayor Muckle stated this is a long time to leave a position open.

Councilmember Stolzmann stated there was no consensus on the second candidate and the Council may not want to have a character discussion this evening.

Councilmember Leh stated it is not character we are discussing, but qualifications. He stated there is no need to prolong this debate. Councilmember Leh called the question.

Mayor Pro Tem Lipton objected.

Councilmember Loo seconded Councilmember Leh's move to call the question.

After further debate Councilmember Leh and the seconder withdraw the call of the question.

Mayor Pro Tem Lipton stated he is only interested in appointing one person tonight. There is only one acceptable candidate, Bradfield. He would like a larger pool to choose from.

Councilmember Maloney stated incumbents affect the pool as it keeps others from applying and if we leave one seat open there will be a larger pool in the fall.

Councilmember Loo stated she disagrees; it has been her experience that incumbents in the process do not affect the size of the pool.

Councilmember Stolzmann stated there are very few times incumbents aren't reappointed and those paying attention don't apply because of that.

**Vote on substitute motion:** Motion failed 3-4 with no votes from Councilmember Leh, Mayor Muckle, Councilmember Loo, and Councilmember Keany.

Councilmember Stolzmann stated she does not support the original motion she feels Ms. Baskett has not lived in Louisville long enough and has worked with staff closely on other projects. She worries it would create the appearance we have a staff insider on the board and she would prefer to consider some of the other candidates.

Mayor Pro Tem Lipton stated he knows Ms. Baskett and has great respect for her, she is a good planner, but she is very new to the community and doesn't understand fully the issues of community character and growth in Louisville as she is so new. She does not understand our goals for maintaining community character.

Councilmember Loo stated she disagrees. Ms. Baskett has lived in the region for 30 years and worked for local government in Boulder, Broomfield, and Westminster. She added a 30-year career in this area means she has an understanding of the community character of Louisville.

**Vote on original motion** to appoint Bradfield and Baskett. Motion passed 5-2 with no votes from Mayor Pro Tem Lipton and Councilmember Stolzmann.

## **CITY ATTORNEY'S REPORT**

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE  
AGENDA ITEMS**

Councilmember Stolzmann stated she and Councilmember Loo have been working on the Energy Collaboration with Xcel and have made progress on goals to consider for the program. She stated draft goals will come back to Council for consideration.

Councilmember Keany noted the Consortium of Cities is meeting tomorrow at 6:30 pm at the Library Meeting Room.

**ADJOURN**

Members adjourned at 9:45 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk